

## **JOURNAL OF THE HOUSE.**

Tuesday, July 8, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, as begin each day our intention for the day is to serve You, our constituents and our families faithfully, respectfully and to the best of our ability. In these uneasy times and uncertain times we look to You for direction and assistance in our effort to cope with the data, information, requests and legislative suggestions which cross our desks. We pray for the wisdom to evaluate fairly but critically all the issues and proposals of the moment. In responding to current legislative items may we continue to reflect on the consequences and the impact of our choices on both current and future generations.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### **Papers from the Senate.**

A Bill exempting a certain structure from certain harbor lines in the South Boston section of the city of Boston (Senate, No. 501, amended in section 1, in lines 4 and 5, by striking out the words ", together with walkways and a docking facility, to be located in whole or in part within" and inserting in place thereof the following words:- "or a floating barge secured by piles, together with walkways and a docking facility, to be located in whole or in part beyond".) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

### **Bills**

To reduce unwanted communications from creditors to protect the peace and privacy of residents (Senate, No. 184) (on a petition);

Relative to interest rates to be charged upon apportioned betterment assessments in the town of Wareham (Senate, No. 2158) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### **Reports of Committees.**

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4833) of Elizabeth A. Malia and Dianne Wilkerson (with the approval of the mayor and city council) for legislation to regulate

evictions on certain foreclosed residential property in the city of Boston,- - and recommending that the same be referred to the committee on Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to kayak safety (House, No. 2382) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Staus of Mattapoisett, the bill was read a second time forthwith; and it was ordered to a third reading.

Report of the committee on Judiciary, that the Bill to amend the Commonwealth's drug treatment program to allow for the diversion of low-level offenders under court supervision (House, No. 1912) ought NOT to pass (under Joint Rule 10) and;

Report of the same committee, that the recommitted Bill further protecting children (House, No. 3870) ought NOT to pass (under Joint Rule 10).

Under suspension of the rules, in each instance, on motion of Mr. Fagan of Taunton, the reports severally were considered forthwith, the question being "Shall this bill be rejected?".

The question on rejection (under Joint Rule 10), in each instance, then was negatived. The bills then were recommitted, in each instance, on motion of Mr. O'Flaherty of Chelsea, to the committee on the Judiciary.

Report of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4970) of Thomas Sannicandro (by vote of the town) for legislation to make certain changes in the charter of the town of Ashland;

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith, the question being on acceptance.

Pending the question on acceptance of the report (under Joint Rule 10), the petition was recommitted, on motion of Mr. Pedone of Worcester, to the committee on the Judiciary.

Report of the committee on Judiciary, ought NOT to pass (under Joint Rule 10), on the recommitted joint petition (accompanied by bill, House, No. 1470) of Thomas A. Golden, Jr., and others relative to the penalties for enticing a child under the age of sixteen;

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3448) of Stephen R. Canessa and others relative to engaging in high speed chases;

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4643) of Stephen L. DiNatale relative to the penalties for the use or manufacture of hidden compartments for the purpose of transporting or distributing controlled substances;

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4733) of William Lantigua and others for legislation to establish a moratorium on foreclosures of certain property and providing for judicial review of all such mortgage foreclosures in the Commonwealth;

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4734) of Elizabeth A. Malia and others for legislation to further regulate the eviction of tenants or occupants of foreclosed properties;

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4735) of Frank I. Smizik and others for legislation to require judicial review of foreclosures on residential mortgages; and

***UNCORRECTED PROOF***

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4922) of Donald F. Humason, Jr., and Michael R. Knapik relative to criminal proceedings against certain juveniles involved in vehicular homicides;

Under suspension of the rules, in each instance, on motion of Mr. O'Flaherty of Chelsea, the reports severally were considered forthwith, the question being on acceptance.

Pending the question on acceptance of the report (under Joint Rule 10), the petitions were recommitted, in each instance, on further motion of the same member, to the committee on the Judiciary.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (Senate, No. 2511) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4947.

By the same member, for the same committee, that the Bill relative to group marketing plans (House, No. 4613) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4948).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following Bill authorizing the commissioner of Capital Asset Management and Maintenance and the Commissioner of Agricultural Resources to grant an easement on land in the city of Northampton subject to an agricultural preservation restriction (Senate, No. 2676);

Bill establishing a sick leave bank for Mark Stanton, an employee of the Department of Public Health (Senate, No. 2677);

Bill establishing a sick leave bank for Lois Tobin, an employee of the Department of Mental Retardation (Senate, No. 2678); and

Bill establishing a sick leave bank for David S. Vitale, an employee of the Trial Court (Senate, No. 2710, amended);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to biomedical research (House, No. 4695) be scheduled for consideration by the House with an amendment previously recommended by the committee on Health Care Financing (House, No. 4812) pending.

By the same member, for the same committee, that the Bill relative to the cremation of bodies of certain deceased persons (House, No. 4927) be scheduled for consideration by the House with the amendment previously recommended by the committee on Public Health (House, No. 4929) pending.

Severally placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

**UNCORRECTED PROOF**

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill authorizing a change of use of certain land in the town of Leicester (Senate, No. 2689) [Local Approval Received]; and

House bills

Related to insurance accountability (House, No. 1019); and

Authorizing the town of Sudbury to regulate certain property tax exemption eligibility requirements (House, No. 4860) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Engrossed bills

Establishing a post-retirement group health insurance trust fund in the town of Concord (see House, No. 4421);

Exempting the position of deputy fire chief in the town of Hingham from the civil service law (see House, No. 4496); and

Authorizing the town of Reading to place a question on the ballot relative to the granting of licenses for the sale of all alcoholic beverages to certain restaurants (see House, No. 4737);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill authorizing the city of Fall River to increase the pension payable to Dennis O'Neil (House, No. 3980) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,--

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At sixteen minutes after eleven o'clock A.M., on motion of Ms. Provost of Somerville (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.